

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DALE MAISANO)
v.) Case No. 3:13-cv-1194
CORIZON HEALTH INC. et al.) Judge Sharp

ORDER

The Court previously denied the plaintiff's application to proceed *in forma pauperis* on the grounds that he is a "three-striker" under 28 U.S.C. § 1915(g) and did not plausibly allege imminent danger of serious physical injury. The plaintiff has now filed a notice of appeal.

The plaintiff did not submit either the \$455 appellate filing fee or a motion under Rule 24(a) of the Federal Rules of Appellate Procedure to pursue his appeal *in forma pauperis*. The Court previously certified that an appeal of the dismissal of this action would not be in good faith, and that the plaintiff would not be permitted by this Court to pursue his appeal *in forma pauperis* even if he had submitted a motion to do. The Court **DENIES** leave to proceed as a pauper on appeal.

Pursuant to Rule 24(a)(5), the plaintiff may nonetheless file, within **30 days** after service of this order, a motion with the Sixth Circuit Court of Appeals for leave to proceed as a pauper on appeal. *Owens v. Keeling*, 461 F.3d 763, 775 (6th Cir. 2006); *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

The plaintiff is notified that if he does not either seek and subsequently obtain leave from the Sixth Circuit Court of Appeals to proceed on appeal without prepayment of the filing fee, or pay the required appellate filing fee of \$455.00, the appeal may be dismissed for want of prosecution. *Callihan*, 178 F.3d at 804.

The Clerk of Court is **DIRECTED** to provide notice of this order to the Sixth Circuit Court of Appeals.

It is so **ORDERED**.

Kevin H. Sharp

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United States District Judge